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TO: USPTO (Mail Stop: RCE) Examiner Emily B. Bernhardt
TELECOPIER NO: 9-1-703-872-9306
FROM: Samuel J. DuBoff
TELECOPIER NO: 203-677-6900
TOTAL NUMBER OF PAGES INCLUDING THIS ONE: 33
DATE: 11/15/04

Re: USSN 10/621,139
Filed: July 16, 2003
Docket: GY83A DIV2

Documents enclosed:

- (1) Request for Continued Examination (RCE) and Petition for Withdrawal from Issue-Issue Fee Paid Transmittal Cover Letter
- (2) Request for Continued Examination (RCE) Transmittal Form
- (3) Petition for Withdrawal from Issue-Issue Fee Paid Form
- (4) Statement for Information Disclosure Transmittal Cover Letter
- (5) Information Disclosure Statement Form 1449
- (6) Form 1449 Reference (European Patent 379314)
- (7) Letter of September 2, 2004 (Estudio Loreda-Peruvian Agent)

<u>CERTIFICATE OF FACSIMILE TRANSMISSION</u>		
I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.		
<u>Samuel J. DuBoff</u> Type or print name	 Signature	<u>November 15, 2004</u> Date

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NOV 15 2004Practitioner's Docket No. GY83A DIV2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Application No.: 10/621,139 Group No.: 1624

Filed: July 16, 2003

For: Antiviral Azaindole Derivatives Examiner: Emily B. Bernhardt

Batch No.: --

Mail Stop: 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450PETITION UNDER (37 C.F.R. § 1.313(c))
WITHDRAWAL FROM ISSUE—ISSUE FEE PAID

WARNING: Submissions after a Notice of Allowance may subject an application to a reduction in patent term adjustment under 37 C.F.R. 1.704(c)(1). Examples of such submissions are: (1) a request for a refund, (2) a status letter, (3) amendments under 37 C.F.R. 1.312, (4) a late priority claim, (5) a certified copy of a priority document, (6) drawings, (7) letters related to biological deposits, and (8) oaths or declarations. See Notice Invy 23, 2001, 1247 OG 111-112, June 26, 2001.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
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Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231
37 C.F.R. § 1.8(a)
- ☐ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee"
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Date: 11/15/04

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1998, 60 Fed. Reg. 58,439, at 58,442.
(Petition under 37 C.F.R. § 1.313(c) Withdrawal From Issue—Issue Fee Paid [10-7]—page 1 of 2)

NOTE: "In the event that it is necessary to file a petition under 37 CFR 1.313(b) [now 1.313(c)] to withdraw an application from issue after payment of the issue fee, the PTO strongly recommends that the petition be clearly marked 'Petition under 37 CFR 1.313(b)' and be either: (1) Submitted by facsimile to (703) 308-6916; or (2) Hand carried to the Office of Petitions.

"Otherwise, it is quite possible that the petition will not be brought before the appropriate deciding official before the date the application issues as a patent.

"The most common petition under 37 CFR 1.313(b) [now 1.313(c)] is a petition [under 37 CFR 1.313(c)] to withdraw an application from issue for abandonment in favor of a continuing application to permit consideration of an information disclosure statement (IDS) in the continuing application. In this event, applicants are encouraged to file the petition under 37 CFR [1.313(c)(3)] with a [continuing application] under 37 CFR 1.53(c) by facsimile to (800) 308-6916. The petition need not be accompanied by the IDS (if the size of the IDS makes its submission by facsimile impracticable), but the petition should indicate that an IDS will be filed in the [continuing application] if an IDS does not accompany the petition under 37 CFR [1.313(c)(3)]." Notice of April 6, 1999, 1221 OG 14-15. (emphasis in original).

1. Applicant petitions that the above identified application be withdrawn from issue.

The issue fee was paid on 8/26/04 (date).

2. Reason for withdrawal from issue:

NOTE: 37 CFR 1.313(c): Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with § 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

The reason applicant seeks withdrawal from issue of this application is:

Filing of a Request for Continued Examination (RCE)
and submittal of an Information Disclosure Statement

3. Petition fee (37 C.F.R. § 1.17(f)):

☐ Attached is a check for \$130.00.

☒ Charge Account 19-3880, \$130.00.

A duplicate of this petition is attached.

Reg. No.: 25,969

Tel. No.: (203) 677-7787

Customer No.: 23914

Date: 11/15/04

(Petition under 37 C.F.R. § 1.313(c) Withdrawal From Issue—Issue Fee Paid [10-7]—page 2 of 2)


SIGNATURE OF PRACTITIONER

Samuel J. DuBoff

(Type or print name of practitioner)

Attorney for Applicants

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